

AMENDED IN ASSEMBLY APRIL 13, 2005

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

**ASSEMBLY BILL**

**No. 941**

**Introduced by Assembly Member Canciamilla**  
**(Coauthor: Assembly Member Keene)**

February 18, 2005

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An act to add Title 8 (commencing with Section 945.6) to Part 2 of Division 2 of the Civil Code, relating to construction defects.

LEGISLATIVE COUNSEL'S DIGEST

AB 941, as amended, Canciamilla. Construction defects: prelitigation procedure.

Existing law, applicable to residences originally sold on or after January 1, 2003, specifies the rights and requirements of a homeowner to bring an action for construction defects, including applicable standards for home construction, the statute of limitations, the burden of proof, the damages recoverable, a detailed prelitigation procedure, and the obligations of the homeowner.

~~This bill would establish a similar, but separate, prelitigation procedure applicable to claims of construction defects in residential construction not otherwise subject to the above provisions~~ *require a homeowner, on and after January 1, 2006, prior to filing any action for construction defect claims not otherwise subject to the above provisions, to contact the builder of that home to inform the builder of the nature and location of the defect and allow the builder to inspect the defect at a mutually convenient time.*

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     ~~SECTION 1. Title 8 (commencing with Section 945.6) is~~  
2     ~~added to Part 2 of Division 2 of the Civil Code, to read:~~

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6     *TITLE 8. PRELITIGATION PROCEDURE: RESIDENTIAL*  
7     *CONSTRUCTION NOT SUBJECT TO TITLE 7*

8  
9     945.6. *On or after January 1, 2006, prior to filing any action*  
10    *for construction defect claims not subject to Title 7 (commencing*  
11    *with Section 895), a homeowner shall contact the builder of that*  
12    *home to inform the builder of the nature and location of the*  
13    *defect and allow the builder to inspect the defect at a mutually*  
14    *convenient time. If the homeowner and builder comply with this*  
15    *section, Chapter 9 (commencing with Section 1375) of Title 6 of*  
16    *Part 4 shall not apply. This section shall only apply to*  
17    *homeowners to whom the builder has provided a written copy of*  
18    *this section.*

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21     **All matter omitted in this version of the bill**  
22     **appears in the bill as introduced|in**  
23     **Assembly, February 18, 2005 (JR11)**  
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